

TITLE OF PAPER: INTRODUCTION TO ELEMENTS OF LABOUR LAW

COURSE CODE: SOC410

TIME ALLOWED: TWO (2) HOURS

- INSTRUCTIONS:**
1. QUESTION ONE (1) IS COMPULSORY
 2. ANSWER ANY TWO OF THE REMAINING QUESTIONS.
 3. ALL QUESTIONS CARRY EQUAL MARKS

TOTAL MARKS: 100

THIS PAPER MUST NOT BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR

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1. (a) Discuss the circumstances under which a dismissal can substantively be unfair and not in accordance with the law.
(b) With reference to section 35 of The Employment Act, 1980 (as amended), explain how a dismissal can be said to be unfair and unjust.
2. Discuss the assumptions and limitations of one (1) of the approaches to an employment relationship.
3. (a) Explain what a contract of employment is?
(b) Discuss various ways by which a contract of employment can be brought to an end. Use examples to illustrate your answer.
4. Discuss the role played by the Labour Advisory Board (LAB) in Swaziland.
5. Distinguish between an employee and an independent contractor.
6. Using relevant case law, explain:
 - (a) Two (2) common law duties of an employee.
 - (b) Two (2) common law duties of an employer.